

Approved Minutes
FALLS CHURCH CITY TREE COMMISSION
March 15, 2006

Present: Larry Dorr, Dave Eckert, David Chojnacky, Jill Spence (Arborist),
 Lindy Hockenberry (City Council liaison)

Call to Order 7:45 pm

APPROVAL OF MINUTES – Dorr moved, Chojnacky seconded - full approval of February 2006 minutes

NON-COMPLIANT SITES

- ✓ Northern Red Oaks were planted on median strip of Haycock Road by Federal Realty for compliance.
- ✓ The State Theatre is investigating their out-of-compliance issues through their new Board of Directors.

THE BYRON

Ms. Spence noted that the illegal clearing on adjacent land by the Byron contractor has not yet been mitigated.

PEARSON SQUARE – TEMPORARY SIDEWALK INSTALLATION

The Commission discussed the apparent violation of City Code by a contractor who removed and destroyed site plan-approved and City-owned trees along South Maple Avenue on adjacent property (International Motors) without an approved permit from the City. Eckert moved, Chojnacky seconded, the Commission voted unanimously:

MOTION: The Tree Commission recommends that the City take action:

1. to require Carr Construction to pay the full cost of unauthorized removal and damage to City-owned trees and landscaping
2. to require International Motors to restore their approved site plan requirements that was violated by Carr Construction Ave.
3. to support the March 14, 2006 letter from Ms. Spence to Moe Wadda regarding this issue following the condition that the permit is granted by the City and Carr has paid in advance of permit approval for destroying City property.

CHESAPEAKE BAY PRESERVATION ORDINANCE REVISION

A revision review will be held in April.

ARBOR DAY MONUMENT

Commissioner Eckert reported that a Landscape Architect will be hired this month by the Village Preservation and Improvement Society and that a schematic design of the proposed monument will be unveiled at the public Arbor Day ceremony on April 22 at Frady Park. The International Society of

Arboriculturists Mid-Atlantic Chapter has agreed to partner on this project and will be participating in the development process for the monument. Eckert also announced that the National Arbor Day Foundation in Nebraska is interested in this project becoming a national model for other States to memorialize the location of their first Arbor Day ceremony.

ARBOR DAY 2006 CEREMONY

Arbor Day will be held on Saturday, April 22 at 3:00 pm in Frady Park. School Arbor Day ceremonies will be held on the following dates:

Mount Daniel	April 20
George Mason	April 21
Thomas Jefferson	April 28.

RESIDENT NOTIFICATION & APPEAL REGARDING CITY TREES

Following a telephone request from a City resident who received one response from the City Arborist and an opposite response from the City Manager, Commissioner Eckert asked Ms. Spence to investigate the apparent discrepancy in staff interpretation of City policy regarding the removal of City-owned street trees. Does the City's policy describe any City obligation to notify adjacent landowners regarding the removal or planting of public trees on City-owned land? Do citizens have any legal standing to appeal the removal or planting of trees on City-owned land? Ms. Spence agreed to investigate the policy and report back at the next meeting to the Commission. She discussed the issue of who assumes the liability of a potentially hazardous public-owned tree. If the City-certified arborist declares a tree is hazardous and that the public is at risk from the tree and if the City Arborist's decision is successfully appealed, and the City-owned tree ends up damaging private property or injures citizens, then who would bear the liability for the damage. Would the liability rest with the City, City Arborist who lost the appeal, the individual who appealed the decision, or the arbiter who decided on the appeal? The Commissioners expressed concern that the City staff needs to have a clear and defensible voice on this issue so that the sensitive issue of public tree removal and planting is not inflamed by mixed and opposite responses from staff.

NEIGHBORHOOD TREE PROGRAM SPRING TREE PLANTING

March 25 - 8:30 am - Tree Squad planting around the City

April 8 - 1:00 am - Tree Planting party for Pennsylvania, Fulton &.Lee Streets

Adjourn: 10:00 pm

These minutes are respectively submitted by Dave Eckert, Tree Commission Secretary.

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